IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 6130 of 2004

Between:

P.Nanda Raj, S/o Shiv Raj,
R/o 5-9-556, Gunfoundry, Hyderabad.

..... PETITIONER

AND

1 The State of Andhra Pradesh, Department of Home, Secretariat,

Saifabad, Hyderabad rep.by its Secretary.

2 The Inspector of Police, Abid Road Police Station, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or other appropriate order or direction in the nature of a Writ declaring the notice dated 23-03-2004 issued by 2nd respondent as without jurisdiction, arbitrary, discriminatory, illegal, void and violative of Articles 14, 19(1)(d) and 21 of Constitution of India and consequently direct the respondents not to give effect to the same in the interest of justice

Counsel for the Petitioner: MR.B.NALIN KUMAR

Counsel for the Respondent s: GP FOR HOME

The Court made the following :

IN THETHE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NOs : 6130 of 2004

ORDER:

By the impugned notice dated 23-03-2004, the petitioner was directed to give attendance twice daily i.e., in between 9 A.M. to 10 A.M. morning and 5 P.M. and 6 P.M. evening in view of the Assembly Elections at Police Station Abid Road. This Court, while admitting the writ petition suspended the impugned notice on 01-04-2004.

2nd respondent in his counter stated that a rowdy sheet was opened against the petitioner in the respondent police station on 20-07-2002 and five criminal cases have been registered against the petitioner. Basing upon the complaint made by one Arjun Kumar Jagiyasi, a case in Crime No.120 of 2002 was registered for the offence under Section 448, 384, 506 IPC., on 26-05-2002 and after completion of the investigation, charge sheet has also been filed in the said crime before the IV Metropolitan Magistrate, Hyderabad, and the same is pending trial. Since the petitioner is creating law and order problem, which may cause breach of peace in the locality and in view of the Assembly Elections, the impugned notice has been issued, calling him to appear before the police

station.

In view of the fact that a rowdy sheet was opened against the petitioner, and Criminal cases are pending adjudication and also in view of creating law and order problem, the respondents directed him to report the Abid police station. So, notice was also issued subsequently on 31-03-2004 under Section 26 (7) of the Hyderabad City Police Act calling him to show cause why he should not be ordered to be removed from the limits of Hyderabad for his unlawful activities.

Since the notice itself is issued for reporting him till the Assembly Elections are over, no further adjudication is required in the mater as the Assembly Elections were already over. In view of the same, unless the petitioner is required to be present for further investigation in any kind, the police cannot insist the attendance of the petitioner as per the impugned notice without there being any order to his attendance.

Writ Petition is accordingly allowed.

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kvr 14th July, 2004

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Wednesday the Fourteenth day of July, two thousand and four.

To

1. The State of Andhra Pradesh, Department of Home,

Secretariat, Saifabad, Hyderabad rep.by its Secretary.

2. The Inspector of Police, Abid Road Police State, Hyderabad.

3. Two C.Cs to the G.P. for Home, AP High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)

4. Two C.D.Copies.